IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.1995 OF 2007

In

WRIT PETITION NO.3751 OF 1996

Smt.Sakhubai Baburao Kadam, since
deceased through her legal heirs:
Shri Shivaji Baburao Kadam & Ors. : Applicants
(Orig.Petitioners)

V/s.

Shri Sudhakar Sambhaji Kadam & Anr. : Respondents

...

Mr.Sanjay Kshirsagar for the applicants.

Mr.G.R.Agarwal for the respondents.

...

WITH

CIVIL APPLICATION NO.1930 OF 2007

In

WRIT PETITION NO.3751 OF 1996

Shri Sudhakar Sambhajirao Kadam & Anr. : Applicants

V/s.

Smt.Sakhubai Baburao Kadam
(Since deceased)
Rajaram Baburao Kadam & Anr. : Respondents

...

Mr.G.R.Agarwal for the applicants.

Mr.Sanjay Kshirsagar for the respondents.

CORAM : S.A.BOBDE, J.

DATE : SEPTEMBER 07, 2007.

P.C.

1. Heard both Civil Applications together.

2. Mr.Kshirsagar points out that the delay of seven months in filing Civil Application No.1995 of 2007 for setting aside the abatement and bringing L.Rs. on record is solely due to the fact that the applicants were under the impression that they are in all likelihood parties in the Writ Petition like they were in Writ Petition No.5033 of 2004. Thus being illiterate and being in the bona fide belief stated above, there is a delay. Having regard to the circumstances of the case, I consider it appropriate to condone the delay.

3. The request of Mr.Agarwal for expeditious hearing of the Writ Petition on the ground that the respondent is a senior citizen is hereby accepted.

4. Add the Writ Petition to the final hearing board. Put up with Writ Petition No.5033 of 2004.

5. Civil Application No.1995 of 2007 is allowed. Civil Application no.1930 of 2007 is dismissed.

S.A. BOBDE, J.